

Notice of Allowability

Application No.

10/621,389

Examiner

Ives Wu

Applicant(s)

KOIKE ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/13/06.
2. ☒ The allowed claim(s) is/are 1-4, 6 and 7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

(1). Applicants' Amendments and Remarks filed on October 13, 2006 have been received.

Claim 5 is cancelled.

The objection of claim 5 in prior Office Action dated July 13, 2006 is removed in response to the Cancellation in Amendments filed on October 13, 2006.

Claim 1 is amended to incorporate with the limitation of claim 5.

The rejection of claims 1-4, 6-7 in prior Office Action dated July 13, 2006 is withdrawn according to the Amendments filed on October 13, 2006.

Allowable Subject Matter

Claims 1-4, 6-7 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The closest prior art reference of Fukuda et al (US006040400A) discloses the curable fluoropolyether compound composition including linear perfluoro compounds of component (A) and linear perfluoro compounds of component (B). The linear perfluoro compounds of component (A) having the two end groups $\text{CH}_2 = \text{CH} - (\text{X})_a$ - as shown in formula (1). Although it resembles the curable fluoropolyether formula (4) in applicants' claim 1, however, the center bivalent functional group R_f^1 (1(a) ~ 1(e)) is not same as claimed by applicants. Linear perfluoro compound of component (B) having end functional group R_f^2 which has partial structure of formula (1) in applicants' instant claim 1, however, it does not include arrangement as claimed by applicants for the center perfluoroether divalent group. Furthermore, R_f^2 of linear perfluoro component B is end group. Therefore, the perfluoroether of formula (4) claimed by applicants is neither anticipated nor obvious by Fukuda et al (US006040400A).

The 2nd closest prior reference Maxson et al (US005665794A) teaches the alkylhydrogen siloxane and dialkylhydrogen perfluoroalkylethyl siloxane in a mixture that anticipates the organosilicon compound of formula (2) as claimed by applicants. It would replace the organosilicon compounds of component (c) of Fukuda et al (US006040400A) when both

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teachings are combined, but the perfluoropolyether of Fukuda et al (US006040400A) fails to meet the requirements of formula (1) of instant claim 1.

As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including the above-cited prior references to neither suggest nor teach the present invention anticipated or obvious to one of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ives Wu whose telephone number is 571-272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Ives Wu

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Date: October 20, 2006

DUANE SMITH
PRIMARY EXAMINER

D-S
10-23-06